

**Newington Community Association
Policy Resolution Regarding
Use of Electronic Means for Meetings**

WHEREAS, amendments were made to §§ 55.1-1800, 55.1-1815, 55.1-1816 and 55.1-1832 of the Code of Virginia (1950), as amended, (the “Virginia Property Owners’ Association Act” or the “POAA”), relating to the use of electronic means for meetings and voting, that became effective July 1, 2021; and

WHEREAS, § 55.1-1800 of the POAA provides that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods; and

WHEREAS, § 55.1-1832.F of the POAA provides any meeting of the Association or Board of Directors (“Board”) or any committee, may be held entirely, or partially, by electronic means provided that the Board had adopted guidelines for the use of electronic means for such meetings; and

WHEREAS, the statutory provisions cited above relating to the use of electronic means for meetings and voting are not prohibited by the Governing Documents of the Association, and therefore, apply to the Association pursuant to §§ 55.1-1832.A and 55.1-1835.H of the POAA; and

WHEREAS, a “meeting” shall include any Association meeting, regular Board Meetings, special meetings and covenant or due process hearings pursuant to § 55.1-1819 of the POAA, and/or Association Complaint hearings under § 54.1-2354.4 of the Code of Virginia of the Board (“Board Meeting”) and committees of the Board, including but not limited to a Nominating Committee and Architectural Control Committee (“Committee Meetings”); and

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts this resolution and guidelines for the use of electronic means for Association meetings.

A. Use of Electronic Means for Association Meetings

1. The Board shall determine whether any Board Meeting, Committee Meeting, or other meeting may be held entirely or by electronic means. To foster a sense of community, the Board intends to hold in-person Board Meetings at least once each quarter, if possible.

2. In compliance with the Governing Documents and the POAA, notice of the time, date, and place of each Board Meeting or any Committee Meeting shall be published where it is reasonably calculated to be available to a majority of the owners, such as the community website, bulletin board, or newsletter.

3. The Board will select a conference application, or contractor, type of equipment, computer, and/or telephone which will facilitate a Board Meeting or Committee Meeting conducted by electronic means, including the owner Community Forum period of a Board Meeting, permitting owners to comment on matters relating to the Association, or in the case of a special meeting, comment on matters listed on the meeting agenda. The Board shall ensure that persons accessing such meetings are authorized to do so.

4. Except for those portions of a Board Meeting conducted in executive session pursuant to the POAA, meetings conducted by electronic means shall be open for owners to monitor or participate.

5. In compliance with the POAA, any owner may record any portion of a meeting required to be open that is conducted by electronic means; however, anyone recording the meeting must provide notice that the meeting is being recorded.

B. Other Requirements

1. If any owner does not have the capability or desire to conduct business at a meeting using electronic means, the Association shall make available a reasonable alternative, at its expense, for such owner to conduct business with the Association.

2. The Board shall make available instructions to the owners on how to participate in any meeting conducted by electronic means. This information will be made available to the owners on any of the venues designated by the Board normally used to announce Board Meetings, such as the community web site, bulletin board, or newsletter.

3. The minutes of the Board Meeting shall include the fact that the Meeting was held by electronic means, entirely or partially, and the type of electronic means by which the Meeting was held.

4. The Board shall ensure that persons accessing such Meetings are authorized to do so, especially during any portion of a Board Meeting held in executive session.

5. The Board shall develop additional procedures for contingencies in the event of technical difficulties or malfunctions.

6. The Board may develop additional procedures for recognizing other Board members and owners and their right to speak or communicate without interruption during a meeting.

7. The use of any software or equipment purchased by the Association for operation by its Board of Directors or Committee members is limited to Association business only. Personal use will be prohibited. Sharing of any software or equipment shall be controlled by the Board President.

The Board directs that this Resolution regarding meetings by electronic means shall be reasonably published or distributed to the owners.

I hereby certify that the foregoing Resolution was adopted at a regular meeting of the Board of Directors of Newington Community Association, this 7th day of February, 2024.


Camille (Feb 9, 2024 21:37 EST)

02/09/2024

Secretary

Approved 9/2021

Amended 2/2024
